

REMARKS

Overview

Claims 1-5 and 8-51 are currently pending in the current application. Claims 1, 8-9, 14, 26, 45, and 51 are amended. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

Claims 8, 9 and 14-51 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The dependency of claims 8 and 9 have been changed as indicated by the Examiner which is submitted to remedy rejection to claims 8 and 9 for antecedent basis purposes under § 112.

Language has been added to independent claims 14, 26, 45 and 51 to make clear that the preamble and body of the claim agree regarding estimating cost. It is respectfully submitted this overcomes any indefiniteness issue regarding these claims. The changes are made solely to clarify the claim language and not to distinguish from any prior art. The § 112 rejections of depending claims 27-44 and 46-50 are also submitted to be remedied by these changes.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-5 and 8-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,219,930 to Reid ("Reid"). This rejection is respectfully traversed.

As pointed out in prior responses, there is no disclosure or teaching seen in Reid of identifying any cluster of dents and characterizing the cluster as a part of the repair cost estimation. Reid teaches with respect to all its embodiments the collection of two pieces of information: (1) Number of dents in a representative area 30 and (2) dent severity data for one or more dents within the representative area 30. Dent estimation is disclosed to multiply those two pieces of information from one small representative area of the car by some factor to extrapolate total number of dents and dent severity for the car, which in turn which is extrapolated to a cost estimation for repair of the whole car.

As pointed out in Applicant's prior responses, which are incorporated by reference herein, Applicant's independent claim 1, for example, differs from Reid. Its information comprises (1) characterizing the dent or dents over a range of sizes of damage susceptibility of P.D.R. and (2) identifying a cluster of dents and characterizing the cluster. There is no "representative area" at one location on the car that is selected and analyzed to complete the dent repair estimation report. Applicant's criteria is rather to look for smallest and largest dents that sit within a range on more than just a small enclosed representative area, and then look for a concentration or cluster of dents and characterize that cluster. As set forth in Applicant's specification, page 32, Applicants believe this produces better estimations of cost of repair of the entire car or an entire area of a car. As set forth in Applicant's specification, page 32, it does not require counting of all dents within a representative area but rather simply identifying the smallest and largest dents within a predetermined range of dent sizes. Clustering aspect is a part of the discovery of the claimed invention. It is not taught or suggested by Reid, which is limited to simply randomly looking at a representative small area, counting total number of dents in the area, and measuring dent diameter within that representative area.

In other words, Applicant's claim 1 could result in a small dent on the hood being identified as within the range of dents susceptible P.D.R. repair, a larger dent in the trunk within the range and sizes susceptible P.D.R. repair, and a cluster of dents on the roof. These are three distinct and separated locations on the car. Reid teaches one representative area and that is all.

It is therefore respectfully submitted that Reid teaches away from Applicant's claim 1 and that it is not obvious in light of Reid. However, to further characterize this distinction, the phrase "cluster of dents" in claim 1 has been changed to "cluster of high concentration of dents". This is supported by at least Applicant's page 27, numbered paragraph 88, as well as other language in the specification. There is no teaching or suggestion of this in Reid, which takes a different approach and therefore teaches away from Applicant's claim 1.

It is therefore respectfully submitted Applicant's claim 1 is allowable over § 103 rejection based on Reid. Claims 2-5 and 8-13 are dependent on claim 1 and submitted to be allowable for the same reasons. It is pointed out that Applicant's claim 1 literally states the characterizing of dents is limited to dents that are susceptible to P.D.R. repair (meaning not all dents are susceptible to repair and therefore should not be included in any estimation).

Claim 14 is submitted to be allowable for similar reasons as claim 1. It has also been amended to clarify the aspect of the cluster similar to claim 1.

Claims 15-25 are dependent from claim 14 and submitted to be allowable for the reasons expressed in support of claim 14.

Claim 26 is submitted to be allowable for similar reasons as claims 1 and 14, and has been amended to clarify the cluster has been done in claims 14 and 26. Claim 26 is submitted to be allowable for reasons in support of claim 1.

Claims 27-44 are dependent on claim 26 and submitted to be allowable for the reasons expressed in support of claim 26.

Independent claim 45 is submitted to be allowable for reasons similar to claim 1 and claims 46-50 are dependent on claim 45 and also submitted to be allowable for similar reasons to the preceding claims.

Independent claim 51 is submitted to be allowable over Reid because Reid has no teaching or suggestion of a subscriber based system for estimating cost of paint less dent repair. Reid simple discussed computerization of data. It teaches nothing about the system of claim 51. As described in detail in Applicant's specification, the idea of a subscriber based system allow insurance claims adjusters or representatives, insurance agents, insurance companies, and P.D.R. repair companies to have various levels of access to the system for data input or data output or other relationships that could facilitate an efficient gathering of insurance claim information and processing of those claims. The complete absence of any teaching or suggestion in Reid has not *prima facie* case of obviousness relative to Applicant's claim 51.

Conclusion

It is respectfully submitted that all matters raised by the present Office Action have been addressed and remedied and that the application is in form for allowance. Favorable action is respectfully requested.

Please consider this a Request for a Three-Month Extension of Time for filing a response in the above-identified application from January 19, 2007 to April 19, 2007. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$510.00 to cover the cost of the two-month extension. No other fees or extensions of time are believed to

be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and a Notice of Allowance is respectfully requested

Respectfully submitted,



MARK D. HANSING, Reg. No. 30,643
McKEE, VOORHEES & SEASE
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
Fax No. (515) 288-1338
CUSTOMER NO: 22885
Attorneys of Record

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